

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THERON HUNTER,

Plaintiff,

v.

KATHLEEN HOLMES, *et al.*,

Defendants.

Case No. 20-10534

Honorable Nancy G. Edmunds

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS [127]
AND AFFIRMING THE MAGISTRATE JUDGE'S ORDER**

This is a pro se prisoner civil rights lawsuit filed under 42 U.S.C. § 1983 by Plaintiff Theron Hunter, who is a state prisoner at the Bellamy Creek Correctional Facility in Ionia, Michigan. The case has been referred to Magistrate Judge Curtis Ivy, Jr. for all pre-trial matters. (ECF No. 10.) Before the Court are Plaintiff's objections to an order issued by Magistrate Judge Ivy.¹ (ECF No. 127.) That order addressed three motions filed by Defendants. (ECF No. 120.) Plaintiff objects to the Magistrate Judge's handling of two of those motions.

Plaintiff first objects to the Magistrate Judge's grant of Defendants' motion to compel discovery (ECF No. 85), arguing that he has already responded to the discovery requests. The Magistrate Judge acknowledged, however, Plaintiff's assertion that he had responded to Defendants' first set of interrogatories and requests for production but granted the motion in light of Defendants' certification that they had performed a

¹ Under both 28 U.S.C. § 636(b)(1)(A) and Federal Rule of Civil Procedure 72(a), a district judge may reconsider any portion of a magistrate judge's non-dispositive pretrial order found to be "clearly erroneous or contrary to law."

reasonable inquiry and had not received those responses. Finding no error in this reasoning, the Court overrules Plaintiff's first objection.

Plaintiff next objects to the Magistrate Judge's grant of Defendants' motion for leave to file an amended witness list (ECF No. 79), disputing the finding that he will not be prejudiced by the grant of leave and stating that he was in quarantine for over a month after the motion for leave was filed. In granting leave, the Magistrate Judge noted that the motion for leave was filed promptly and that the amended witness list is substantially similar to the one erroneously filed. Thus, notwithstanding the time period Plaintiff spent in quarantine, there is no error in the Magistrate Judge's finding and Plaintiff's second objection is also overruled.

For the foregoing reasons, Plaintiff's objections are OVERRULED, and the Magistrate Judge's order is AFFIRMED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: January 4, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 4, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager